

As you can see, the decision to provide counsel is made after careful consideration of national security implications. These decisions are guided by thorough legal analysis at various levels of our government.

That is precisely the course we have followed both with Yaser Hamdi and Jose Padilla. When officials at DoD determined that intelligence collection from Hamdi was complete, they announced last December that he would be allowed access to a lawyer, subject to appropriate security restrictions. Hamdi has now met with his lawyer. Earlier this month DoD officials concluded that national security would not be harmed by permitting Padilla to have access to counsel, and he too will be given access to a lawyer. As these decisions show, we have an interest in restricting access to counsel to the extent necessary to advance an important intelligence-gathering interest. When that interest no longer exists, we have no further need to restrict access to counsel and will allow U.S. citizens that access to assist in their challenge to their detention in the courts by means of habeas corpus. We believe strongly that access to counsel needs to occur at an appropriate time. What we will not do is put American lives at risk and jeopardize intelligence-gathering by recognizing a non-existent right for enemy combatants to consult with lawyers.

I am pleased to have had the opportunity this morning to provide you with some more details about the decisionmaking process that we have followed in dealing with enemy combatants who are U.S. citizens. The way in which this Administration has made its decisions, in my judgment, vividly illustrates the President's commitment to wage war on terror aggressively and relentlessly while fully respecting the bounds of the law.

Recent press accounts and editorials have suggested that the Bush Administration—fearing losses in the courts—has revised its approach to dealing with terrorists. As I hope my remarks this morning have made clear, that is not the case. The extensive procedures and safeguards that I have described today are ones that we have followed from the outset in determining whether certain individuals qualify as enemy combatants. All along, the Administration's actions have been uniformly grounded in historical practice and legal precedent and have been based on careful and continuous consideration of the facts and circumstances of each case. What is new is our willingness to share more information about our procedures, as Secretary Rumsfeld did two weeks ago in Miami and as I am doing today. Our flexibility in this regard has been constrained by the demands of national security. At this point in time, however, we have decided that there are ways that we can share some of this information, and that doing so—as I have today—is both consistent with the demands of national security and in furtherance of our interest in showing the American people that their government is one that respects the law even as it fights aggressively an enemy dedicated to our destruction.

Because ours is a free society, the actions taken by the Administration have been (and will continue to be) challenged in the courts. These are important issues, and courts exist to resolve such disputes. Our independent judiciary will help determine how long-standing practice applies to the first conflict of the 21st Century. It is possible that the courts may disagree with a particular decision or policy; indeed, the Second Circuit has already done so in Padilla (although the Supreme Court will now be reviewing that case and providing the final word on the issues presented). I am confident in the legality of the measures the Administration has employed in seeking to defend Americans from

our enemies in the war on terror—but in our system the courts will have their say. What cannot be denied, however, is that in protecting the American people from our terrorist enemies, the Administration has carefully examined the Constitution and laws of the United States, as applied in historically analogous situations.

In closing, when I walk into the Oval Office to brief the President, I am always reminded of the awesome responsibility that the President has—and the corresponding duty on all of us who serve him. But the burden of protecting this country and of securing the rights embodied in our Constitution is not ours alone.

Yes, those of us in government have a direct hand in executing power under our Constitution. But American citizens—including members of the bar—also play an important role in protecting and defending the Constitution's precious precepts. The vigilance and work of American citizens in this endeavor arguably is no less patriotic than the actions of our soldiers on the battlefield—both are in defense of our freedoms . . . and both should be respected.

Thank you very much.

IN MEMORY OF GOVERNOR BOB ORR

Mr. LUGAR. Mr. President, I rise today to pay tribute to a tremendous Hoosier and dear friend Bob Orr, who has recently passed away.

Bob Orr was our Governor during 8 years of record growth in Indiana jobs, Indiana exports, and increased interest in public education. As a scholar, businessman, political leader, State legislator, and Lieutenant Governor, he was superbly qualified to be the 45th Governor of Indiana. His extraordinary success brought new idealism, energy, and pride to the Hoosier State.

I was privileged to share a myriad of wonderful experiences with Bob Orr during the past 40 years of our work together in public service, but two will be indelible in my memories. In June of 1989, Bob was nominated by President George H. W. Bush to be United States Ambassador to Singapore. He proceeded to his post after a hearing by the U.S. Senate Foreign Relations Committee and confirmation by the U.S. Senate. Shortly thereafter, Char and I visited Ambassador Orr in Singapore. We were thrilled by his vision of the great opportunities our country could enjoy if we utilized our collective imagination and inventive genius to expand exports and to provide constructive economic and political leadership in Asia. Bob Orr was tireless in leading Indiana and the United States to have an international perspective and a clear vision of how our business and educational opportunities could flourish if we sought to compete more effectively.

My second indelible memory is my last visit with Bob and Mary Kay Orr last September at a dinner in Indianapolis featuring an address by President George W. Bush. It was exciting to compare political notes with both of them and to catch up on family news. I had the privilege of once again introducing a great Governor, world states-

man, and very dear friend. I had introduced, nominated, and spoken about Bob Orr innumerable times, but the last time I had the honor to do so was very special. The assembled crowd rose in cheers and sustained applause. Strongly assisted by Mary Kay, Governor Orr arose, a living legend for a legion of Hoosiers inspired by his life of achievement and service.

EXPRESSING SYMPATHY FOR THE VICTIMS OF THE MADRID BOMBINGS

Mrs. FEINSTEIN. Mr. President, I rise today to support the resolution submitted by Senator DODD to express our condolences to the families of the victims of today's Madrid bombings and our strong solidarity with the Spanish people in the fight against terror. This is a sad and tragic day.

This morning, nearly 200 innocent people were killed and 1,000 injured when 10 near-simultaneous explosions hit 3 separate trains at the height of the city's rush hour.

Spanish police found and detonated 3 other bombs. One official described it as the worst terrorist attack in Spain's history.

I condemn in the strongest possible terms this vicious and bloody terrorist attack.

The Madrid bombings appear to be part of an ongoing terror campaign by the Basque separatist group ETA, a group designated by the United States and the European Union as a terrorist organization.

Our thoughts and prayers go out to the victims and their families.

Americans know all too well the pain and destruction caused by terror and we stand shoulder to shoulder with our Spanish friends at this difficult hour just as they stood with us on September 11.

We two peoples share the values of democracy, freedom, and respect for human rights. We have worked and we will continue to work together in the fight against terror and in bringing those responsible for this brutal attack to justice. Terrorists must know that we will not back down in the face of their crimes.

I urge my colleagues to support the resolution.

IRAN

Mrs. BOXER. Mr. President, as the ranking member of the Senate Foreign Relations Subcommittee on Near Eastern and South Asian Affairs, I want to express my deep concern about recent developments in Iran.

Today, the International Atomic Energy Agency is meeting to discuss a proper response to findings that Iran has failed to disclose many nuclear related activities in violation of the Non-Proliferation Treaty. This is a serious issue. There is no doubt that Iran is in violation of its commitments under the NPT. The IAEA Board of Governors